

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) No. 03 MDL 1570 (GBD/FM)  
) ECF Case  
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This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,  
Case No. 02-CV-6977;  
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*,  
Case No. 03-CV-5738;  
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,  
Case No. 04-CV-5970;  
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,  
Case No. 04-CV-7279; and  
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*,  
Case No. 03-CV-6978.

**Declaration of Alan R. Kabat in Support of  
Defendants Perouz Sedaghaty's and Soliman Al-Buthe's  
Oppositions to Plaintiffs' Motions to Compel**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Wachtel, PLLC, counsel to defendants Al Haramain Islamic Foundation, Inc. ("Al Haramain USA"), Perouz Sedaghaty, and Soliman Al-Buthe. I submit this declaration in support of the individual defendants' oppositions to the Plaintiffs' motions to compel, in order to provide additional information on Al Haramain USA's document production.

1. From 2004 through 2015, Al Haramain USA produced a total of approximately 58,883 pages of documents, and approximately 24,000 emails (produced in native format), for a total of at least 82,883 pages of documents. Over 99 percent of these documents were produced prior to the close of document discovery in September 2013, as set forth below.

2. In February 2004, the U.S. government seized all of Al Haramain USA's

documents and computers (including those used by Mr. Sedaghaty), so that undersigned counsel had only a relatively small volume of documents that Messrs. Sedaghaty and Al-Buthe had provided to them in late 2002 and early 2003.

3. On April 26, 2004, Al Haramain USA produced documents Bates-stamped AHIF 0001-1868. On October 28, 2004, Al Haramain USA produced documents Bates-stamped AHIF 2074-4153. These productions were primarily corporate and financial records. Also in 2004, Al Haramain USA made available, for inspection and copying, several religious books that it had published or disseminated (these were not Bates-stamped). On January 21, 2011, Al Haramain USA supplemented its document production with documents Bates-stamped AHIF 2074-4153.

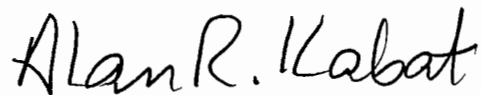
4. In March and April 2013, in response to the Plaintiffs' demand for all documents relating to the criminal prosecution of Mr. Sedaghaty in Oregon – a conviction that was later reversed by the Ninth Circuit and dismissed without any re-trial – Al Haramain USA produced the following categories of documents: (a) documents seized from Al Haramain USA's office (which was also Mr. Sedaghaty's residence) in 2004 and returned by the government several years later (FPDUS 00001-43706); (b) documents produced to the grand jury (SVS 106532-115323); (c) the Government's trial exhibits, comprising 880 pages; and (d) Mr. Sedaghaty's trial exhibits, comprising 551 pages. Al Haramain USA also produced approximately 24,000 emails that were seized from its computers, in response to Plaintiffs' demand for all emails, regardless of their relevancy. The 2013 production includes numerous documents and emails sent to or from Mr. Sedaghaty and Soliman Al-Buthe.

5. On September 26, 2013, Al Haramain USA supplemented its document production with the Ninth Circuit's decision that vacated Mr. Sedaghaty's conviction (AHIF 4154-4241). On March 6, 2015, Al Haramain USA produced several additional documents,

primarily court filings, and its recent United Nations delisting (AHIF 4242-4954).

6. Mr. Sedaghaty was overseas from 2003 through August 2007, and was subsequently imprisoned for three time periods: (a) from August 2007 to November 2007 before being released on pre-trial release; (b) from the conviction (September 2010) until being released in January 2011, after the district court learned that the government had improperly failed to disclose pre-trial payments involving, and an offer to pay, its key trial witness; and (c) from his voluntary surrender (February 29, 2012) until being released soon after the Ninth Circuit's decision (August 30, 2013). Hence, during the course of discovery as to himself, Mr. Sedaghaty did not have any documents from the time when he was associated with Al Haramain USA, other than those that have been produced by Al Haramain USA itself. The only other documents he has are privileged communications with his attorneys (*i.e.*, the Federal Public Defender and a CJA attorney, as well as with our law firm).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 30, 2015.

Handwritten signature of Alan R. Kabat in black ink.

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ALAN R. KABAT